

DEPARTMENT OF COMMERCE
Directors Office – Management Services Division
2011 Biennium

Legislative Fiscal Division Budget Analysis, Page A-313

PROGRAM CONTACTS

The department, division, program director and chief financial officer for the department, division, program and their contact information are:

Title	Name	Phone Number	E-mail address
Director	Anthony J. Preite	841-2700	tpreite@mt.gov
Deputy Director	Andy Poole	841-2707	apoole@mt.gov
Chief Legal Counsel	Marty Tuttle	841-2706	matuttle@mt.gov
Division Administrator	Barb Charlton	841-2716	bcharlton@mt.gov
Budget Manager	William Hoffmann	841-2720	bihoffmann@mt.gov

WHAT THE DIVISION DOES

The Director's Office/Management Services Division consists of three functional units:

Director's Office:

The Director's Office provides overall leadership, communication, and management support to the Department of Commerce staff, programs, bureaus, divisions and administratively attached boards. The office provides executive, administrative, legal, and policy direction along with offering problem-solving guidance. The office keeps abreast of department related issues and acts in a public relations and informational capacity to ensure a positive image of the Department. The office works closely with economic and community development organizations, businesses, communities, governmental entities, elected officials and the public to diversify and expand the state's economic base. The office acts as the liaison with private business, local governments, administratively attached boards, public and private interest groups, the legislature, Indian tribes, individuals, other governmental agencies, and the Governor's Office.

Management Services Division:

The Management Services Division (MSD) provides effective and efficient internal support to Department of Commerce staff, programs, bureaus, divisions and administratively attached boards in a positive customer service oriented manner. Services provided by the Management Services Division include budgeting, accounting, fiscal management, internal controls, contracting, purchasing, asset management, information technology, human resources, payroll, benefits, training and assistance with the implementation of and compliance with policies, rules, regulations and statutes.

Montana Council on Developmental Disabilities (MCDD):

MCDD is a citizen base advocacy group whose members are appointed by the Governor. The Council works to provide increased independence, integration, and productivity for persons with developmental disabilities. The Council advises state and local governments, tribes and private organizations on a variety of programs that provide services to persons with developmental disabilities.

Funding:

The Director's Office and the Management Services Division are funded by an internal service type proprietary fund from indirect costs charged to all agency programs, there are no direct appropriations provided for in HB 2.

The MCDD program is funded entirely in HB 2 with federal special revenue. The Department of Commerce is the designated state agency for funding purposes and passes the federal funds received directly on to MCDD because the Council is delegated through a contract (memorandum of understanding) to receive the federal funds as a non profit corporation.

Mission:

To provide leadership in the department's mission of economic and community development and to provide effective, efficient, friendly, and sustainable internal support to Department programs and staff.

Goals and Measurable Objectives

The Director's Office/Management Services Division is committed to achieving the following goals and objectives:

Providing effective leadership to the State of Montana and its citizens in the areas of economic development and community development.

Provide quality management, communication and leadership support to the department's programs and customers while assuring the legislature, the public, and management that the department is in compliance with applicable laws, rules, policies, and internal controls.

Assist program managers with statutory, administrative, and program objectives and develop measures of success where appropriate that maximize the benefits of the services provided to the citizens of Montana while minimizing the resources required to achieve those objectives.

Encourage a work environment that analyzes, develops, and implements work processes that increases government efficiency, effectiveness, and sustainability; including empowering staff to remedy problems at the earliest point.

Promote teamwork by encouraging, assisting, and respecting others.

The following figure shows the division biennium goals and performance measures that are associated with the proposed 2011 biennium HB 2 budget.

Department of Commerce Directors Office – Management Services Division		
Measurable Objectives for the 2010 Biennium		
Goal	Measurable Objectives	Current status of Measures
1.	The Directors Office – Management Services Division will process pass through funding requests to the non-profit MCDD within 5 business days of request.	Ongoing.

The following figure shows the division biennium goals and performance measures that are associated with the proposed 2011 biennium HB 576 budget.

GOAL	OBJECTIVE	CURRENT STATUS
Maintain department wide fiscal responsibility	Ensure policies, procedures, internal controls, and guidance are distributed to departmental divisions, bureaus, and programs.	Policies, procedures, internal controls, and guidance distributed on an ongoing basis.
Provide accounting and fiscal support to divisions, bureaus, and programs in accordance with generally accepted accounting principals and in compliance with state and federal laws and regulations.	Ensure bills are paid within 10 working days of receipt by the Management Services Division. Ensure expenditures are documented and allowable in accordance with state and federal requirements.	Bills are being paid in 10 working days or less. Expenditures are allowable and funds expended according to requirements.
Oversee and coordinate department-wide budget preparation and submission, provide committee testimony, prepare fiscal notes, and monitor the legislative process.	Meet deadlines for budget and fiscal note submission. Keep administrators informed of legislative actions, update bill tracking lists on a daily basis during legislative session.	Deadlines currently being met.
Provide assistance and training to divisions, bureaus, and programs in monitoring budgets for compliance with legislative intent and state and federal mandates.	Ensure division, bureau, and program compliance with state and federal fiscal year end requirements and deadlines.	Fiscal year end requirements and deadlines currently being met.
Provide a comprehensive value-based human resources service to departmental staff, supervisors, and administrators in support of the agencies mission.	Ensure HR policies, procedures, and guidelines are current and distributed appropriately.	Policies, procedures, and guidelines are reviewed, updated, and distributed on an ongoing basis.
Provide recruitment and selection, delegated classification authority, discipline handling, and personnel policy services in a caring and supportive manner, encompassing current best practices and in compliance with federal and state laws, rules and regulations.	Ensure that each state employee receives an annual performance appraisal. Ensure there is equitable pay for like positions within departmental divisions, bureaus, and programs.	Departmental staff have annual performance appraisals based on job tasks and behavioral competencies. Pay rates are based on employee profiles and are equitable throughout the department.

Provide and maintain IT solutions that meet the unique requirements of the Department's customers and staff.	Work within the IT Strategic planning cycle to ensure objectives align with the Department and state enterprise objectives. IT solutions are procured and managed within the state's policies and guidelines.	The 2008 Commerce IT Strategic Plan was prepared and submitted to DOA. Activities are being performed as defined within the plan, and unusual or unforeseen IT needs are being addressed as they become apparent.
Enhance E-Government services to better serve our customers.	Increase awareness of E-Government opportunities and move more functions to an E-Government platform.	When possible use Montana Interactive (MI) or use subscription based E-Government solutions and software to provide E-government services.

Statutory Authority

The Director's Office - Management Services Division responsibilities are mandated primarily in Title 2, Chapter 15 and Title 90, Chapter 1, MCA.

MCDD responsibilities are mandated primarily in Title 2, Chapter 15, MCA.

HOW SERVICES ARE PROVIDED

The Director's Office assists the department with executive, administrative, legal, and policy guidance. This office acts as the liaison among private business, local governments, administratively-attached boards, public and private interest groups, the legislature, Indian tribes, individuals, and the Governor's office in the effort to improve and stabilize the economic climate in Montana. (4.00 FTE)

The Management Services Division provides internal support to all agency divisions, bureaus, and programs. Services provided by the Management Services Division include accounting, budgeting, fiscal management, contracting, purchasing, information technology, human resources, payroll, benefits, and training. (13.00 FTE)

The Montana Council on Developmental Disabilities (MCDD) is a non-profit corporation that contracts with the Department of Commerce. MCDD provides services to persons with developmental disabilities and its members are appointed by the Governor. (MOU that passes federal funds through to MCDD).

BUDGET AND POLICY ISSUES

The following budget or policy issues are included in the division budget submission to the Governor's Office.

Directors Office – Management Services Division HB 576 Decision Packages (Page A-316):

Indirect Rates: FY 2010: 12.95% FY 2011: 12.95%

PL 8101 MSD Software & Software Maintenance: This is for website audits and common agency software maintenance. \$11,100 in FY 2010 only as follows:

MSD Website Audits:

Objective business requirements or problem: The need for e-Government services and dynamic web site content is increasing. A recent web audit revealed that MDOC needs to test web sites periodically and as new sites are created to ensure that there are no security vulnerabilities. All web applications need to be tested and monitored for security vulnerabilities.

Benefits: Sensitive information is not disclosed via MDOC web sites and vulnerabilities are pro-actively identified and addressed. This is in compliance with best practice recommendations.

FY 2010: \$5,000

MSD Encryption Solution:

Objective business requirements or problem: Protect sensitive information as needed on specific devices. Currently MDOC uses EFS encryption; however the state is looking at an enterprise solution that would be more secure. MDOC will evaluate and attempt to implement alternative solutions, if possible, when the state provides a firm direction.

Benefits: Secures sensitive data from being accessed if a portable device is stolen or compromised.

FY 2010: \$6,100

	FY 2010	FY 2011
2011 Biennium Requested Rate	12.950%	12.950%
2011 Biennium Rate W/O Software	12.900%	00.000%
Variance:	00.050%	12.950%

PL 8104 MSD Administrative Costs Adjustments: This request is for overtime and 2% annual lease adjustment per terms of lease 6525. \$3,728 in FY 2010 and \$5,535 in FY 2011.

	FY 2010	FY 2011
2011 Biennium Requested Rate	12.950%	12.950%
2011 Biennium Rate W/O Admin Costs	12.920%	12.920%
Variance:	00.030%	00.030%

MCDD HB 2 Decision Packages: There were no decision packages submitted for the MCDD; this is a base level request.

SIGNIFICANT ISSUES EXPANDED

No significant issues requiring expanded justification were requested by the LFD.

2009 LEGISLATIVE FINANCE COMMITTEE PERFORMANCE MANAGEMENT INITIATIVE SUMMARY

As part of the 2009 Legislative Finance Committee's interim work plan, various workgroups met to discuss selected programs goals and progress towards specific measurable objectives, also referred to as performance measurements. It should be noted that some of the performance measurements were to be reached by June 30, 2009. The LFC interim project selected goals and related performance measurements and current status of the measurements are outlined below. A narrative discussion of the status of the measures (if any) is attached to the narrative section of this document.

The Directors Office – Management Services Division did not have any Legislative Finance Committee Performance Management Initiatives to report on in the 2009 biennium.



GOAL

The goal of the Council is to increase the independence, productivity, inclusion and integration into the community of people with developmental disabilities through systemic change, capacity building and advocacy activities. The Council has attempted to meet this goal through a two-prong advocacy approach, our State Plan and our Grant Program.



About the MCDD

The Montana Council on Developmental Disabilities is a citizen based advocacy group. Its members, appointed by the Governor work to provide increased independence, integration and productivity for persons with developmental disabilities.

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Links to the Member Directory, Member Job Description, Membership Application, Membership Terms.

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ABOUT THE MCDD

The Montana Council on Developmental Disabilities is a citizen based advocacy group. It's members, appointed by the Governor work to provide increased independence, integration and productivity for persons with developmental disabilities.

In pursuing these goals, the Council administers federal funds in three major areas; 1) assistance in the provision of comprehensive services to persons with developmental disabilities; 2) assistance to the state in appropriate planning activities; and 3) contracting with public and private agencies to establish model programs, demonstrate innovative habilitation techniques and to train professional and paraprofessional personnel in providing services to persons with developmental disabilities.

PHILOSOPHY AND MISSION

The Montana Montana Council on Developmental Disabilities believes:

that all persons have the potential to direct their own lives
and are strengthened by the opportunity to do so;

that all persons can make positive contributions to the community, in which they live, and must have the opportunity to
interact with the community to do so;

that all persons can be productive members of the community in which they live, and may need initial assistance to achieve
this status;

that all persons should be provided with individualized assistance that will give them the skills and abilities to achieve these
opportunities;

in order to assist persons with developmental disabilities and their families the
principles of normalization,
the concepts of independence, interdependence and integration,
family and community based services,
promoting the potential of every person,
individualized choices,
empowerment of persons with disabilities and
the basic human and civil rights of every person.

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Memorandum of Agreement Between
The Montana Department of Commerce
And
The Montana Council on Developmental Disabilities

I. PURPOSE

The purpose of this Agreement (hereinafter referred to as the "Agreement") is to define the relationship and responsibilities of the Montana Department of Commerce (hereinafter referred to as the "Department" or as the Designated State Agency ["DSA"]), and the Montana Council on Developmental Disabilities (hereinafter referred to as the "Council"), a private nonprofit corporation organized and existing under 26 U.S.C. 501(c)(3), and to detail the duties and responsibilities of the Department and the Council to implement the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 codified at 42 U.S.C. 15001, et seq. (hereinafter referred to as "P.L. 106-402"), and sections 2-15-1869(5) and 2-15-1870, MCA.

II. OBJECTIVES

The objective of this Agreement is to formally establish a basis for an effective working relationship between the Council and the Department.

A. Designation of the Administering State Agency

In accordance with applicable law, the Department has been established as the Designated State Agency for the Council.

B. Conflict of Interest

Pursuant to P.L.106-402, the Council and the Department hereby agree that there shall be no conflict of interest regarding the Council's ability to act as an independent advocate for persons with developmental disabilities.

C. Operations

Pursuant to the written approval of the Administration on Developmental Disabilities, federal Department of Health and Human Services, and section 2-15-1870, MCA, the Council has reorganized itself from an agency of state government, formerly known as the Montana Developmental Disabilities Planning and Advisory Council, into a private nonprofit corporation.

1. Support Services.

- (a) **Budget Development:** The Council shall develop a budget for the annual receipt of Federal funds. The Council shall submit this budget to the Department in accordance with the Executive Planning Process for Legislative Budget Preparation. In addition, the Council shall present the budget and respond to inquiries at Legislative Appropriation hearings, and at all other similar proceedings.

- (b) Accounting, Reporting and Bookkeeping: The Council shall secure and maintain accounting services for day-to-day operations, and shall secure accounting expertise annually for an audit. In consideration of the annual administrative fee of Eight Thousand Three Hundred Forty Five Dollars (\$8,345), the Department shall draw down Council funds from the Division of Payment Management, Payment Management System on a weekly basis. Any draw down of funds by the Department shall be based upon supporting documentation provided by the Council for the amount requested. In addition, the Department shall complete and submit the required 272 reports on the Division of Payment Management system and the required 269 reports to the federal Administration on Developmental Disabilities. The Council's proportionate share of the cost incurred by the Department for the biennial state financial compliance audit completed by the Legislative Audit Division shall be included in the annual administrative fee. The annual administrative fee referred to in this subparagraph shall be reviewed by the parties on an annual basis.
- (c) Legal: The Council shall retain all necessary legal services by hiring private counsel.
- (d) Personnel: The Council shall supply the Department with proof of compliance with the Montana Workers' Compensation Act while performing work for the State of Montana, Sections 39-71-120, 39-71-401, and 39-71-405, MCA. Neither the Council nor its employees are employees of the State of Montana. The proof of insurance/exemption must be valid for the entire period of the Agreement and must be received by the Department within 5 working days of the Council's execution of the Agreement. All compensation, recruitment, evaluation, supervision and retirement and health benefits of the Council staff shall be the responsibility of the Council, and shall not be the responsibility of the Department or the State of Montana whatsoever.
- (e) Insurance: On December 22, 2003, the DSA provided written assurance to the federal Administration on Developmental Disabilities that if some or all of the expenses of the Council were disallowed, the DSA will be liable for repayment of those funds. As a consequence of this potential liability, the Council will maintain nonprofit Director, Officers, Members and Staff Liability Insurance that includes errors and omissions, and employment practices liability coverage at the level of \$1,000,000. Such insurance will include coverage of any potential disallowance or mispending of Federal funds by the Council. If a disallowance is identified, the DSA will receive notice of disallowance from the Federal government and will repay the disallowed amount. The disallowed amount paid by the DSA to the Federal government will be reimbursed to

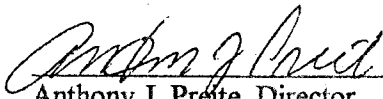
the DSA by the Council from insurance proceeds received as coverage under the referenced insurance policy.

D. Noninterference

Pursuant to P.L. 106-402, Section 124, 5, L; Noninterference, "the plan shall provide assurances that the designated state agency, and any other agency, office or entity of the state, will not interfere with the advocacy, budget, personnel, state plan development, or plan implementation of the Council, except that the designated State Agency shall have the authority necessary to carry out the responsibilities described in Section 125, (d) (3) RESPONSIBILITIES."

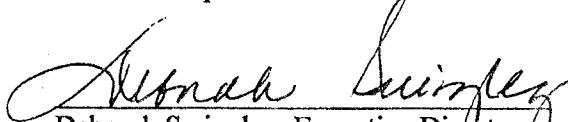
III. TERMINATION OR MODIFICATION OF AGREEMENT

This agreement shall become effective on July 1, 2005, and shall remain in effect until terminated. This agreement may be modified or terminated upon the delivery of a thirty (30) day written notice and the written concurrence of the other party.



Anthony J. Preite, Director
Montana Department of Commerce

5-12-05
Date



Deborah Swingley, Executive Director
Montana Council on Developmental Disabilities

May 11, 2005
Date

2-15-1869. Montana council on developmental disabilities. (1) The governor shall appoint a Montana council on developmental disabilities in accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, codified at 42 U.S.C. 15001, et seq.

(2) In addition to the members appointed under subsection (1), the council must include one member of the senate and one member of the house of representatives.

(3) (a) Except as provided in subsection (3)(b), members of the council serve 1-year terms.

(b) Of the members described in 42 U.S.C. 15025(b)(3) who represent persons with developmental disabilities and parents or relatives of persons with developmental disabilities, the governor shall appoint:

(i) not less than one-half of the members to serve for terms concurrent with the gubernatorial term and until their successors are appointed; and

(ii) the remaining members to serve for terms ending on January 1 of the third year of the succeeding gubernatorial term and until their successors are appointed.

(4) Members appointed to the council may also be selected to represent the geographical regions and the racial and ethnic composition of the state, including American Indians.

(5) A council member, unless the member is a full-time salaried officer or employee of this state or any of the political subdivisions of this state, is entitled to be paid in an amount to be determined by the council, not to exceed \$25, for each day in which the member is actually and necessarily engaged in the performance of council duties. A council member is also entitled to be reimbursed for travel expenses incurred while in the performance of council duties as provided for in 2-18-501 through 2-18-503.

Members who are full-time salaried officers or employees of this state or any political subdivisions of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

(6) The council shall:

(a) advise the department of public health and human services, other state agencies, tribal governments, councils, local governments, and private organizations on programs for services to persons with developmental disabilities; and

(b) serve in any capacity required by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, or by other federal law for the administration of federal programs for services to persons with developmental disabilities.

(7) (a) Unless the state enters a contract with a nonprofit corporation as provided in 2-15-1870, the council:

(i) is allocated to the department of commerce for administrative purposes only and, unless inconsistent with this section, the provisions of 2-15-121 apply;

(ii) may elect from among its members the officers necessary for the proper management of the council;

(iii) may adopt rules governing its own organization and procedures, and a majority of the members of the council constitutes a quorum for the transaction of business; and

(iv) shall employ and fix the compensation and duties of necessary staff and control the location of its office.

(b) The department of commerce shall remain the designated state agency for funding purposes if the responsibilities of the council are delegated by contract to a nonprofit corporation as provided in 2-15-1870.

2-15-1870. Montana council on developmental disabilities -- contract with nonprofit corporation. The state may contract with a nonprofit corporation for the purposes of carrying out the responsibilities delegated to the Montana council on developmental disabilities appointed pursuant to 2-15-1869 in accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and this section. Approval of the contract delegating the responsibilities of the council to a nonprofit corporation must be in the form of a letter signed by the secretary of the federal department of health and human services or the secretary's designee.